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09/579,217	05/26/2000	Andrew Szabo	SZABO-216	8191

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Steven M Hoffberg Esq  
Milde Hoffberg & Macklin LLP  
10 Bank Street Suite 460  
White Plains, NY 10606

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2173

DATE MAILED: 03/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/579,217

Applicant(s)

SZABO, ANDREW

Examiner

X L Bautista

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 1/7/04 have been fully considered but they are not persuasive.

A. Applicant argues that "Hazlehurst et al. do[es] not teach or suggest the use of hierarchal organization of documents" (page 9, lines 2-10).

In response, Hazlehurst discloses information presented to the user in the form of topology map (hierarchal organization of objects), (col. 3, lines 1-7; col. 5, lines 7-34). (topology = configuration formed by the connections between objects; hierarchy = type of organization that, like a tree, branches into more specific units, each owned by a higher-level unit immediately above; definitions found in "Microsoft Press, Computer Dictionary, Third Edition, 1997).

B. In response to applicant's argument that "there is simply no way to consistently apply the teachings of Leshem...to the teachings of Hazlehurst...since each uses a distinct and inconsistent tactic for representing a relationship of documents", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant argues that "Leshem et al., involves the use of internal linkage relationships between documents to map relationships between documents. On the other hand, the application of this disclosure to Hazlehurst et al., is not apparent, since the techniques are inconsistent, and possibly antithetical...Hazelhurst...employ document content to define display layout, while Leshem...employ document content to define display layout, while Leshem...employ document hyperlinks, which are content independent, to define display layout. Both techniques cannot be used simultaneously with any defined or enabled result, and neither reference provides any motivation for modification in the manner suggested by the Examiner. There is simply no way to consistently apply the teachings of Leshem...to the teachings of Hazlehurst...since each uses a distinct and inconsistent tactic for representing a relationship of documents. In the alternate, neither reference enables a result which provides a content-sensitive hierarchical organization of documents." (page 9, lines 11-20).

However, Hazelhurst/Leshem discloses a user interface that provides an object search engine for selecting a set of objects according to user-defined content criteria; providing resource locators of selected objects; and providing a hierarchal organizational structure in graphic format for the set of objects, which are organized based on an associated object content (Hazlehurst: col. 7, lines 53-

62; col. 14, lines 54-61; col. 22, lines 30-61; Leshem: col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55).

C. Applicant argues that the "cited references do not teach or suggest that extrinsic objects be provided within a hierarchy. While Hazelhurst...do discuss that the initial document set may be supplemented...the failure to teach or suggest a hierarchal organization is a fatal deficiency. Leshem...on the other hand, define a set of documents presented on the basis of intrinsic links, and thus do not provide for inclusion of extrinsic objects, nor is there any rationale provided for the organization of extrinsic documents within the linkage map." (page 10, lines 2-8).

In response, Hazlehurst discloses that the system provides a mechanism for delivering relevant documents and recommends relevant products (extrinsic objects) to users (col. 2, lines 48-56; col. 10, lines 22-35; col. 23, lines 1-14).

### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

3. Page 28, lines 15-16:

"www.acm.org/sigchi/chi95/proceedings/papers/j1 bdy.htm" should be changed to

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--acm.org/sigchi/chi95/proceedings/papers/j1\_bdy.htm--; and

"www.inxight.com/News/Research Papers Files/Z-GUI Article.pdf?" should be

changed to --inxight.com/News/Research\_Papers\_Files/Z-GUI\_Article.pdf?--.

### ***Claim Objections***

3. Claims 1, 27, and 37 are objected to because of the following informalities:

Claim 1, lines 5-6: "an user-defined" should be changed to --a user-defined--;

Claim 1, line 7: "an hierarchal organizational" should be changed to --a hierarchal organizational--;

Claim 27, line 7: "an hierarchal organizational" should be changed to --a hierarchal organizational--;

Claim 37, line 4: "an user-defined" should be changed to --a user-defined--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-7, 12-20, 26-33, and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hazlehurst et al* (US 5,974,412) in view of *Leshem et al* (US 6,470,383 B1).**

Claims 1, 14, 26, 27, 32, and 35:

Hazlehurst discloses an Intelligent Query Engine (IQE) system that automatically develops multiple information spaces in which different types of objects (documents, users, products) can be represented (abstract; col. 1, lines 64-67; col. 2, lines 1-20). The system provides an object search engine for selecting a set of objects according to a user-defined content criteria (col. 7, lines 53-62; col. 22, lines 30-61). Hazlehurst teaches creating mappings of documents (col. 14, lines 54-61) but it does not teach returning respective resource locators of selected objects and a hierarchal organizational structure in graphic format that is automatically generated for the set of objects based on a content of or linkage between objects. However, Leshem discloses software tools for facilitating the management and analysis of WWW sites and other types of database systems that use hyperlinks to facilitate user navigation. Leshem teaches a hierarchal organizational structure in graphic format for a set of objects that graphically depicts the URLs and links of a Web site; the structure is automatically generated based on content or linkage between objects. At least a portion of the selected objects are automatically organized in the hierarchal structure based on an

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associated object content (abstract; col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Hazlehurst's query system to include Leshem's method for generating a hierarchical organizational structure in graphic format for a set of objects because as Leshem says, the method facilitates the visualization by the user of the overall structure and information and to navigate in an intuitive manner to explore the content (col. 2, lines 27-37).

Claims 2, 3, 28, 29 and 39:

Hazlehurst teaches that the system provides a mechanism for delivering relevant documents and recommends relevant products to users (col. 2, lines 48-56; col. 10, lines 22-35; col. 23, lines 1-14).

Claims 4, 12, 30, 33, and 36:

See claim 2. Hazlehurst teaches that objects are identified through filter process (abstract; col. 27, lines 10-67; col. 28, lines 1-36).

Claims 5, 13, and 31:

See claim 2. Hazlehurst teaches that objects are related to user-defined search criteria (col. 7, lines 53-62; col. 22, lines 31-61).

Claim 6:

See claims 1 and 2. Hazlehurst/Leshem teaches objects that are



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contextually appropriate for a positioning within the hierarchal organizational structure (Leshem: col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55).

Claims 7 and 19:

See claim 1. Hazlehurst/Leshem teaches a hierarchal organizational structure having a tree structure displaying at least three hierarchal levels (Leshem: figs. 5, 6, 16, 18, 19, 21, 22, 24).

Claim 15:

See claim 1. Hazlehurst/Leshem teaches ranking (classification) of objects (Hazlehurst: col. 2, lines 3-38; col. 3, lines 21-30).

Claim 16:

See claim 15. See further Hazlehurst: col. 3, lines 21-33.

Claim 17:

See claim 1. Leshem teaches graphically representing a history of access (col. 3, lines 9-30; col. 8, lines 16-19).

Claim 18:

See claim 1. Hazlehurst/Leshem teaches manipulation of objects within the hierarchal organizational structure through a graphical user interface and requesting information of a manipulated object (col. 2, lines 10-37; col. 3, lines 9-15; col. 7, lines 66-67; col. 8, lines 1-19).

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Claim 20:

See claim 17. Hazlehurst/Leshem teaches a user profile (Hazlehurst: col. 8, lines 4-11; col. 9, lines 53-64; Leshem: col. 8, lines 16-19).

Claim 37:

See claim 1. Hazlehurst/Leshem teaches an object browser (Leshem: abstract; col. 3, lines 44-63; col. 5, lines 34-47, 64-67; col. 6, lines 1-5, 64-67; col. 7, lines 1-20; col. 9, lines 12-48), returning resource locators of selected objects, and displaying the respective resource locators (Hazlehurst: col. 7, lines 53-62; col. 14, lines 54-61; col. 22, lines 30-61; Leshem: col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55).

Claim 38:

See claim 1. Hazlehurst/Leshem teaches a hierarchy adaptive to the set of selected objects.

6. **Claims 8, 9, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hazlehurst/Leshem* in view of *Hao et al* (US 6,377,287 B1).**

Claim 8:

See claim 1. Hazlehurst/Leshem does not teach that the hierarchal organizational structure comprises a hyperbolic tree structure. However, Hao discloses a technique for reducing display cluttering and complexity of navigating

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within large hierarchies such as organizational charts or Internet resources. Hao teaches a system that utilizes links, mapping and unmapping to enable single-screen visualization of hyperbolic space with multiple path links. The hyperbolic space is a display of a tree structure having graphical representation of content and usage of the Web (abstract; col. 1, lines 6-67; col. 2, lines 1-21, 56-67). Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to include Hao's teaching of a hyperbolic tree in Hazlehurst/Leshem's invention because as Hao says, a hyperbolic space can handle more documents and allows the user to navigate through the nodes of a large hierarchy and to view the relationship of a portion of the space to the entire structure on a single display (col. 1, lines 20-34).

Claim 9:

See claim 8. Leshem teaches that a content object may be an applet (col. 6, lines 25-33).

Claims 21 and 22:

See claims 4, 9, and 20. Leshem teaches automatic update based on user observation (col. 3, lines 45-63; col. 20, lines 40-67; col. 21, lines 1-13).

Claim 23:

See claims 15 and 21. Hazlehurst teaches rules (col. 2, lines 8-21; col. 7, lines 32-40; col. 26, lines 30-67; col. 27, lines 1-67; col. 28, lines 1-37).

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Claims 24 and 25:

See claim 23. Leshem teaches digital rights to access of objects by the user (col. 28, lines 11-65; col. 30, lines 52-67).

7. **Claims 10, 11, 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hazlehurst/Leshem* in view of *Hanson et al* (US 5,974,398).**

Claim 10:

See claim 2. Hazlehurst/Leshem does not teach that a commercial message sponsor pays for delivery of commercial messages based on a semantic context of message delivery. However, Hanson discloses a method that enables user control of advertising carried by interactive information and entertainment services.

Hanson teaches that sponsors pay for delivery of commercial messages (abstract; col. 1, lines 38-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hanson's teaching in Hazlehurst/Leshem's invention because users are motivated to access specific sites and content which means good business for the sponsors that offer merchandise or services.

Claim 11:

See claim 10. See further col. 5, lines 3-67.

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Claim 34:

See claim 10. Hanson teaches products promoted for sale (abstract; col. 1, lines 38-62; col. 5, lines 3-67).

Claim 40:

See claims 10 and 11. Hanson teaches that objects outside the set of selected objects may be associated with a subsidy (col. 1, lines 15-23, 37-62).

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this

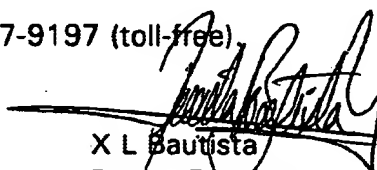
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final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Patent Examiner  
Art Unit 2173

xlb  
March 15, 2004



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100